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Commentary

## Marriage and Divorce in the Time of COVID

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By **Alette H. Carolan** |  
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Alette Carolan, partner with Carolan Family Law Firm in Coral Gables.  
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First, some background: Divorce historically has been a cyclical practice. I find that it is loosely tied to the academic school year and major holidays. Mid-January until about the week before Memorial Day Weekend could be considered our high season. Summer tends to be a slower time of the year and then we get another boost between September and mid-November. December is the swing month that can go either way depending on how many people have holiday timesharing disputes. The foregoing is

mostly true, most years, but 2020 is proving itself, once again, to be an outlier kind of year.

Summer has been bursting with activity and though it is too soon to have accurate statistics on COVID-19's impact on the divorce rates, which continue to hover in the 50% range, there is no doubt of its impact.

Catastrophic events have a way of magnifying the good and the bad in all of us, and relationships don't escape that rule. Confinement and the pressures of quarantine are intensifying marital stress, making separation and divorce increasingly appealing to couples. The incidence of that particular effect is more likely for couples who were heading in that direction anyway.

Everyone seems to be under some form, in varying degrees, of psychological stress due to the uncertainties inherent in this global pandemic. COVID-19 is resulting in increased conflict, in general. It's not only married folks who are feeling the pressure of quarantines, masks and excessive hand washing. It is also those families who are in their post-judgment phase, subject to settlement agreements or final paternity or dissolution of marriage judgments that do not include provisions for timesharing and sharing parental responsibility during a global pandemic. As lawyers, we do our best to forecast a variety of events and circumstances but I did not, and I know of no one who foresaw an event of this magnitude to caution against.

Without a doubt, COVID-19 has led to sharp divisions between families and friends as to their respective positions on COVID-19, itself. There are those so frightened they will not leave their homes or allow their children to interact in society on one end, all the way to those that believe this is all a worldwide hoax. There are some in the middle of those two polarizing perspectives but, nonetheless, the situation is ripe for escalation between couples and parents who do not find themselves in stable and intact relationships.

Then we must consider the looming financial crisis, the massive job losses, entire industries shut down and people from a cross-section of society that have had their worlds turned upside down. It is no surprise that families undergoing these stressors are feeling the detrimental effect on their relationships. It is a fairly well-known presumption that couples facing unemployment are more likely to divorce, however, some may stay in unhealthy relationships due to the paralyzing fear of the costs of a separation. I am happy to report that there is an easier, more peaceful way.

It is only natural that those in tenuous relationships are feeling the strain more intensely and so are looking to part ways and move on with their lives.

The downtime COVID-19 quarantine has forced upon us has given us time to rethink the way we work and live. We have had space within which to become clearer on our priorities and how we wish to lead our lives. It has highlighted how in an instant

everything can change. Peace of mind and financial security are the ultimate goal for many. Why would anyone volunteer for emotional, financial and psychological warfare, in the first place? They did, in droves, for years but it's a new dawn in the world of divorce. Men and women are separating with the intention of doing so quickly and efficiently and leaving their emotional responses to be dealt with by their coaches or therapists. There is a greater value on logically dividing their marital estate so that each can keep more of it within the family.

This appears true at all social-economic levels. In order to minimize the aggravation and costs associated with divorce, there are new models of "do it yourself" and hybrid models where couples can come to agreements on their own and then have the paperwork processed professionally.

The advent of new solutions—including online platforms that make it easy for people to create their own legal documents and finalize their own divorces without necessarily having to hire costly lawyers— is causing family law attorneys to rethink their traditional practice models and billing structures.

The legal industry has managed to pivot from the archaic "face time" requirement to functional electronic hearings and client interactions, so too have couples begun to opt for a method to separate and divorce with dignity, grace and, most importantly, without a total annihilation of each other and their marital estate.

Americans have grown comfortable with online consultations and are now open to these newer models. This trend toward divorcing through online platforms such as TheQuickDivorce.com aims to lessen the financial and emotional tax on couples. This hybrid model provides a solution that enables couples to access the necessary forms and handle the entire process with little or no help from lawyers but with access to mediators and other professionals, such as CPAs, should they get stuck along the way. These couples focus on what is important in these moments: the children first and then the preservation of their resources. There is and always will be a place for litigation in complex marital and family law cases but the incidence of settlement has risen and some reports say 90% of cases today are resolved via settlement.

Looking ahead, it is clear that many of the marks left by the pandemic will be permanent and many of the changes—such as a greater appetite for do-it-yourself and other lower-cost divorce solutions—will continue to define and redefine marital and family law for years to come. Family law practitioners who recognize these trends and identify ways to adapt their practices will position their firms for greatest success.

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